

**IN THE DISTRICT COURT OF THE UNITED  
STATES FOR THE MIDDLE DISTRICT OF  
ALABAMA, EASTERN DIVISION, AT  
MONTGOMERY, ALABAMA**

GENE COGGINS  
Plaintiff

V:

CIVIL ACTION NO 3:07 CV- 406 - MEF - TFM  
DIST COURT NO CV 0706 - 0252

TAKPLLAPOOSA COUNTY and  
TALLAPOOSA COUNTY SHERIFF DEPT.  
Defendants

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**MOTION FOR DEFAULT AND DEFAULT JUDGMENT**

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COMES NOW THE PLAINTIFF, GENE COGGINS, WITH THIS MOTION FOR  
DEFAULT AND DEFAULT JUDGMENT AGAINST THE ABOVE DEFENDANTS, DONE  
AND ACCORDING TO FED. R. CIVIL P. 4. THIS SUMMONS WAS SENT BY  
CERTIFIED MAIL WITH RETURN RECEIPT TO THE CLERKS OFFICE ON JUNE 13,  
2007, REQUIRED AN ANSWER TO BE FILED IN THE COURT AND A COPY TO BE  
SENT TO THE PLAINTIFF WITHIN 20 DAYS FROM SERVICE.. MORE THAN  
ENOUGH TIME HAS PASSED AND AS OF THIS DATE THIS HAS NOT BEEN DONE.  
THE LAW REQUIRES FOR A DEFAULT AND DEFAULT JUDGMENT TO BE FILED  
AGAINST YOU AND ALL THINGS REQUESTED IN THE COMPLAINT ARE TO BE  
GRANTED. THIS IS A REQUIRED ESTABLISHED LAW THAT MUST BE CARRIED  
OUT BY THE CLERKS OFFICE, NO JUDGE HAS THE AUTHORITY TO CHANGE AN

ESTABLISHED LAW , OR TO PLACE ANY RESTRICTIONS UPON THEM...

IN A CIVIL ACTION OR SPECIAL PROCEEDINGS, THE CLERK OR SOME OTHER FORM OF SERVICE AS NAMED, IS REQUIRED TO NOTIFY THE DEFENDANT AS NAMES APPEAR ON THE COMPLAINT THAT AN ACTION HAS BEEN COMMENCED AGAINST HIM IN THIS COURT THAT HE IS REQUIRED TO APPEAR ON DAY NAMED, WITH A WRITTEN ANSWER, THAT MUST BE FILED WITH THE CLERK, AS REQUIRED BY THIS ACTION.. Dell 56 Misc. 2d, 1017, 290, N. Y. S. 2d 287, 289.. Fed R. Civil P. 4 (a)..

ACCORDING TO ESTABLISHED RULES REGULATING JUDICIAL PROCEEDINGS, THESE RULES **FORBIDS ANY FORM OF CONDEMNATION,** WITHOUT A HEARING. Pettit V: Penn, La. App. 180, So. 2d, 66, 69.. AND THE CONCEPT OF "THE DUE PROCESS", AS FOUND IN THE 5<sup>th</sup> AMENDMENT OF THE UNITED STATES CONSTITUTION. THEREFORE ACCORDING TO THIS CONCEPT, EVERY CASE THAT I HAVE PRESENTED IN THIS COURT HAS BEEN ILLEGAL HANDLED. THIS MOTION FOR DEFAULT AND DEFAULT JUDGMENT MUST BE GRANTED AS REQUIRED.

  
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GENE COGGINS